

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY EARL AGEE,)	
)	
Petitioner,)	8:08CV355
)	
v.)	
)	
FRED BRITTEN,)	ORDER
)	
Respondent.)	
_____)	

This matter is before the Court on petitioner's motions for default (Filing Nos. [7](#) and [18](#)) and motion for additional state court records (Filing No. [13](#).) The Court conducted an initial review of this matter on October 9, 2008 (Filing No. [6](#)). Respondent has sought, and been granted, two extensions of time to comply with the requirements of that order on initial review (Filing Nos. [8](#), 10 (text-only), [16](#), and 17 (text only)). As a result of these extensions, respondent is not in default.

In his motion for additional state court records, petitioner requests that respondent submit several state-court briefs as part of the record (Filing No. [13](#)). Respondent has now filed the requested documents, and petitioner's motion is moot. Accordingly,

IT IS ORDERED:

1. Petitioner's motions for default are denied.

2. Petitioner's motion for additional state court records is denied as moot.

DATED this 19th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court